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23 *Tianhai Lace (Guangdong) Ltd., and*
24 *Tianhai Lace USA Inc.*

15 UNITED STATES DISTRICT COURT

16 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

17
18 TIANHAI LACE CO. LTD., TIANHAI
19 LACE (GUANGDONG) LTD. and
20 TIANHAI LACE USA INC.,

21 Plaintiffs,

22 v.

23 ZOETOP BUSINESS CO. LIMITED
24 d/b/a SHEIN; SHEIN DISTRIBUTION
25 CORPORATION; FASHION
MARKETING AND
MERCHANDISING GROUP, INC.;
ROADGET BUSINESS PTE., LTD.; and
DOES 1-10,

26 Defendants.

27 Case No. 2:22-cv-6106

28 **COMPLAINT FOR:**

**(1) COPYRIGHT INFRINGEMENT
UNDER THE COPYRIGHT ACT 17
U.S.C. § 101 ET SEQ.**

**(2) UNFAIR COMPETITION UNDER
CAL. BUS. & PROF. CODE §§ 17200
ET SEQ.**

DEMAND FOR JURY TRIAL

1 Plaintiffs, Tianhai Lace Co., Ltd., Tianhai Lace (Guangdong) Ltd., and
 2 Tianhai Lace USA Inc. (collectively, “Tianhai”), by their undersigned attorneys,
 3 allege as follows, upon actual knowledge with respect to themselves and their own
 4 acts, and upon information and belief as to all other matters:

5 **NATURE OF THE ACTION**

6 1. This is a civil action for copyright infringement under federal law.
 7 2. Tianhai brings this action seeking preliminary and permanent
 8 injunctive relief, lost profits, actual damages (or statutory damages), and attorneys'
 9 fees and costs arising out of Defendants' willful infringement of Tianhai's exclusive
 10 rights in lace designs.

11 **THE PARTIES**

12 3. Plaintiff Tianhai Lace Co., Ltd. is a limited company of China with a
 13 principal address at Room 1120, No. 9 Linhe West Road, Tianhe District,
 14 Guangzhou City, Guangdong Province, China.

15 4. Plaintiff Tianhai Lace (Guangdong) Ltd. is a limited company of China
 16 with a principal address at No. 213 Lianuang Road, Economy and Technology
 17 Development District, Guangzhou City, Guangdong Province, China.

18 5. Plaintiff Tianhai Lace USA Inc. is a corporation of New York with a
 19 principal address at 152 Madison Avenue, Room 1103, New York, NY 10016.

20 6. Defendant Zoetop Business Co. Limited d/b/a SHEIN (“Zoetop”) is a
 21 limited company of Hong Kong having places of business at least at Room 11-12,
 22 2/F, Hong Leong Plaza (Phase 1), No. 33 Lok Yip Road, Fanling Hong Kong, and
 23 Datang Town Sanshui Industrial Park, Fo Shan, Guangdong 528100, China.
 24 Defendant Zoetop owns trademark applications and registrations for the mark
 25 SHEIN in connection with clothing, textile, accessories, jewelry, bags, and their
 26 online retail sale services with the United States Patent and Trademark Office,
 27 namely Registration Nos. 5256688, 5880290, 5840545, 5893348, 5893349,
 28 5893350, 5909109, 6166048, 6166049, 6181709, 6224013, 6224084, and

1 Application Serial Nos. 87857183, 87857188, 88107563, 88107571, 88809710,
2 88400811, under the same address at Room 11-12, 2/F, Hong Leong Plaza (Phase
3 1), No. 33 Lok Yip Road, Fanling Hong Kong.

4 7. Defendant SHEIN Distribution Corporation (“SHEIN”) is a Delaware
5 Corporation having its principal place of business at 345 N. Baldwin Park Blvd.,
6 City of Industry, CA 91746.

7 8. Defendant Fashion Marketing and Merchandising Group, Inc.
8 (“FMMG”), formerly incorporated as SHEIN Fashion Group, Inc., is a California
9 Corporation having its principal place of business at 345 N. Baldwin Park Blvd.,
10 City of Industry, CA 91746.

11 9. FMMG was originally incorporated as Shein Fashion Group, Inc. with
12 the State of California on December 22, 2015, as demonstrated by Articles of
13 Incorporation of Shein Fashion Group, Inc., a true and correct copy of which is
14 attached as **Exhibit A**.

15 10. On November 5, 2019, FMMG removed the word “SHEIN” from its
16 company name in a filing with the State of California, as demonstrated by Secretary
17 of State Certificate of Amendment of Articles of Incorporation, a true and correct
18 copy of which is attached as **Exhibit B**.

19 11. On December 10, 2019, FMMG disclosed its officers, including
20 George Chiao as its Chief Financial Officer and Valerie Ho as its Secretary, all with
21 the same address of 345 N. Baldwin Park Blvd., City of Industry, CA 91746, as
22 demonstrated by Statement of Information, a true and correct copy of which is
23 attached as **Exhibit C**.

24 12. A search on the California Secretary of State also confirms that George
25 Chiao is the Chief Executive Officer of Defendant Shein Distribution Corporation,
26 as demonstrated by Statement of Information, a true and correct copy of which is
27 attached as **Exhibit D**.

28 13. George Chiao signed SHEIN’s Statement and Designation by Foreign

1 Corporation filed with the State of California on May 25, 2021, showing the same
 2 address of 345 N. Baldwin Park Blvd., City of Industry, CA 91746. In this filing,
 3 George Chiao represented that he is “a corporate officer and [is] authorized to sign
 4 on behalf of the foreign corporation,” SHEIN, a true and correct copy of which is
 5 attached as **Exhibit E**. Thus, George Chiao is a corporate officer of both SHEIN
 6 and FMMG, both of which have the same address.

7 14. Defendant Roadget Business Pte. Ltd. (“Roadget”) is a company of
 8 Singapore with an incorporation address at 112 ROBINSON ROAD, #03-01,
 9 ROBINSON 112, Singapore 068902. Upon information and belief, Luo Ying is a
 10 registered officer of Roadget and an agent, employee or other representative of
 11 SHEIN.

12 15. Roadget is listed as the developer of the mobile application “SHEIN-
 13 Fashion Shipping Online” on Google Play at
 14 <https://play.google.com/store/apps/details?id=com.zzkko&hl=en> and the mobile
 15 application “SHEIN-Online Fashion” on App Store at
 16 <https://itunes.apple.com/us/app/yub-streetwear-fashion-shopping/id878577184?mt=8>, a true and correct copy of which is attached as
 17 **Exhibit F**.

18 16. Tianhai’s investigations revealed that Defendants sold products that
 19 incorporated Tianhai’s copyrighted laces off the mobile applications “SHEIN-
 20 Fashion Shipping Online” on Google Play and “SHEIN-Online Fashion” on App
 21 Store. A true and correct copy of Tianhai’s test purchase confirmation is attached as
 22 **Exhibit G**.

23

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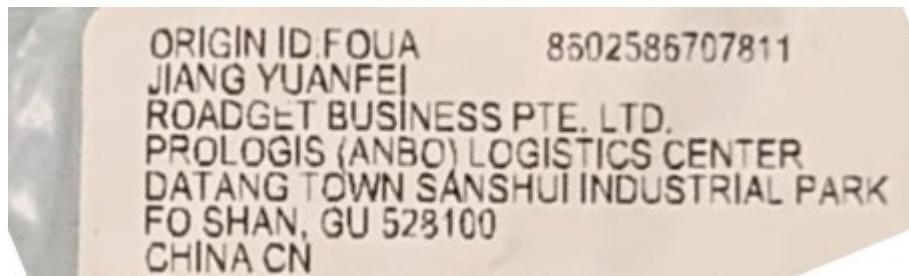
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28

1 17. Roadget shipped the products that incorporated Tianhai's copyrighted
 2 laces:



13 A true and correct copy of the shipping label used on products purchased by
 14 Tianhai's investigators is attached as **Exhibit H.**

15 18. Upon information and belief, Tianhai alleges that Defendants Does 1-
 16 10 (the "Does") are unknown persons, firms, entities, or corporations that, directly
 17 or indirectly, jointly or severally, willfully undertook, performed, participated in, or
 18 engaged in various illegal, unauthorized, and wrongful actions as set forth herein on
 19 behalf of or in conspiracy with Zoetop, SHEIN, FMMG and/or Roadget against
 20 Tianhai and/or the public, should be enjoined from engaging in such actions and are
 21 liable to Tianhai for damages. The Does' true identities, locations, and residences
 22 are currently unknown to Tianhai because, in perpetrating their illegal,
 23 unauthorized, and wrongful acts, the Does have intentionally hidden their identities
 24 to evade detection.

JURISDICTION AND VENUE

25 19. This is a civil action for injunctive relief and damages for copyright
 26 infringement under the Copyright Act, 17 U.S.C. § 101 *et seq.*

27 20. This Court has subject matter jurisdiction over this action pursuant to

¹ 28 U.S.C. §§ 1331 and 1338(a).

2 21. This Court has personal jurisdiction over Defendants Zoetop, SHEIN,
3 FMMG, Roadget, and Does (collectively, “Defendants”) because Zoetop and
4 FMMG have a principal place of business of 345 N. Baldwin Park Blvd., City of
5 Industry, CA 91746, and Defendants conduct continuous and systematic business in
6 California, including in the Central District of California. The effect of Defendants’
7 actions arises in multiple districts, including the Central District, and a substantial
8 portion of the events giving rise to the claims herein occurred within this District.

9 22. Venue is proper in this District pursuant to 28 U.S.C. § 1391 and
10 1400(a), including because the acts of infringement complained of occurred in this
11 District; Defendants are domiciled in this District; Defendants' office and agent can
12 be found in this District; Defendants' unlawful actions were directed from or
13 through computers in this District; and Tianhai has been harmed by Defendants'
14 conduct in this District.

15 23. Tianhai was previously forced to sue Defendants Zoetop and SHEIN in
16 this Court for infringement of certain Tianhai copyrighted laces and unfair
17 competition, and those Defendants submitted to the jurisdiction and venue of this
18 Court in that action. The parties later entered into a September 27, 2021 Settlement
19 Agreement regarding Defendants' infringement of those Tianhai copyrighted laces.
20 As set forth below, the above Defendants and their related entities Defendants
21 FMMG and Roadget are now engaged in another knowing, willful and pervasive
22 scheme of infringement of additional Tianhai copyrighted laces for which Tianhai is
23 entitled to the relief requested below.

TIANHAI AND ITS LACE DESIGNS

25 24. Since 1988, Tianhai has developed and sold original lace designs,
26 which constitute copyrightable subject matter under 17 U.S.C. § 101 *et seq.*
27 Tianhai owns valid and subsisting U.S. Copyright Office Registrations for its lace
28 designs, including Registration Nos. VA 2-292-705, VA 2-292-703, VA 1-847-129,

1 VA 1-899-335, VA 1-962-454, VA 1-919-834, VA 2-094-233, VA 1-829-368,
2 VA 1-977-168, VA 1-791-176, VA 2-001-929, VA 2-006-175, VA 1-967-086, VA
3 1-791-259, VA 2-292-697, VA 1-886-767, VA 1-967-083, VA 1-971-360, VA 1-
4 817-862, VA 2-292-701, VA 1-977-161, VA 2-080-794, VA 1-977-358, VA 1-975-
5 235, VA 1-746-489, VA 1-974-881, VA 1-719-661, VA 2-039-301, VA 1-962-508,
6 and VA 1-921-664 (the “U.S. Registered Copyrights”). True and correct copies of
7 Tianhai registrations of the U.S. Registered Copyrights are attached as **Exhibit I**.

8 25. Tianhai's copyright registrations for its lace designs predate
9 Defendants' infringement.

10 26. Tianhai's lace designs are also registered with the National Institute of
11 Industrial Property of France.

FACTUAL ALLEGATIONS

13 27. For more than thirty (30) years, Tianhai has designed, manufactured,
14 and sold decorative laces. Since their creation in 1988, Tianhai's lace designs have
15 enjoyed tremendous commercial success in the fashion industry.

16 28. Today, Tianhai owns 22,500 lace designs, releases thousands of new
17 lace designs annually, and sells laces in 30 countries. It has been recognized as one
18 of the best lace designers in the world.

19 29. In 2022, Tianhai was awarded the Interfilière Connect by Interfilière
20 New York. See <https://en.the-lingerie-place.com/brand/tianhai-lace/>.

21 30. In the same year, Tianhai was awarded the Young Label Awards by
22 Interfilière Shanghai. *Id.*

23 31. In July 2022, Curve Los Angeles announced that Tianhai had been
24 chosen for its New York show between July 31 and August 2, 2022 for its new lace
25 designs. *Id.*

26 32. In 2017, Tianhai was awarded a Femmy Award by the Under Fashion
27 Club as one of the leading fashion sustainability contributors in the United States.

28 33. The Knitting Industry has awarded Tianhai a Skin Friendly Declaration

1 for its lace collection.

2 34. Tianhai's laces are trusted by knowledgeable consumers not only
 3 because of their best-in-class quality, but also for the care and expertise that Tianhai
 4 has taken in designing the lace patterns and supplying the laces for many well-
 5 known fashion brands, including Versace, Victoria's Secret, Zara, H&M, BCBG,
 6 Wacoal, and Marks & Spencer.

DEFENDANTS AND THEIR WRONGFUL ACTS

8 35. Defendants operate a website at www.shein.com, accounts on e-
 9 commerce platforms including www.amazon.com, and mobile applications on
 10 Google Play and App Store to advertise, promote, and sell apparel, accessories, pet
 11 products, stationary, electronics, and home decorations.

12 36. Defendants syndicate paid content through www.google.com and
 13 GMAIL®, and advertise, market, and promote that content through social media
 14 accounts on YouTube®, Twitter®, Facebook®, Instagram®, Pinterest®, Snap
 15 Chat®, and TikTok®. True and correct copies of screenshots of Defendants' social
 16 media accounts are attached as **Exhibit J**.

17 37. Defendants have made available a category of apparel products
 18 identified as "Lace" on their website. True and correct copies of screenshots of
 19 Defendants' webpages of "Lace" are attached as **Exhibit K**.

20 38. Tianhai recently discovered that Defendants have systematically and
 21 without authorization reproduced, displayed, distributed, created derivative works
 22 of, and otherwise infringed Tianhai's lace designs and offered for sale and sold
 23 those infringing copies to third parties.

24 39. Defendants had, and continue to have, access to Tianhai's lace designs
 25 because, among other things, images of the Tianhai lace designs are available on
 26 Tianhai's website and in its catalogs, and because Tianhai's laces are used by
 27 numerous clothing manufacturers that sell finished products to the public.

28 40. Defendants' products are virtually identical to, or at least substantially

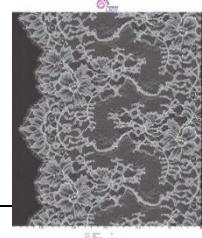
1 similar to, Tianhai's copyrighted lace designs, as shown in the chart below:

2

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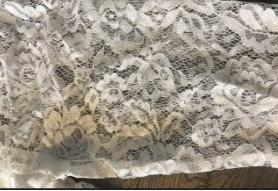
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5

6 Tianhai's Registered Lace Design	7 Defendants' New Infringement Activities	8 Tianhai's Copyright Registration
9 	10  	11 VA 2-292-705
12 	13  	14 VA 2-292-703
15 	16  	17 VA 1-847-129
18 	19  	20 VA 1-899-335

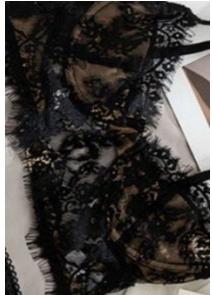


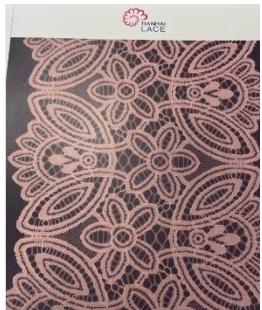
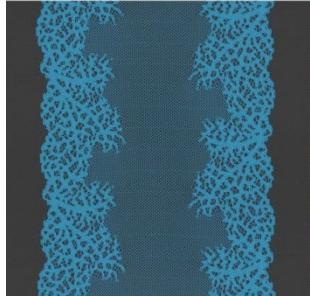
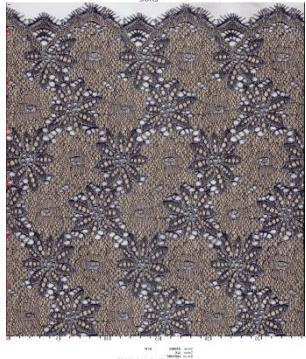
1	Tianhai's Registered 2 Lace Design	Defendants' New Infringement 3 Activities	4 Tianhai's 5 Copyright 6 Registration
7	8	9	10 VA 1-919-834
11	12	13	14 VA 2-094-233
15	16	17	18 VA 1-829-368
19	20	21	22
23	24	25	26
27	28		

1	2	3	4
1	Tianhai's Registered Lace Design	Defendants' New Infringement Activities	Tianhai's Copyright Registration
5	6	7	8
9			
10	11	12	13
14	15	16	17
18			
19	20	21	22
23			
24	25	26	27
28	29	30	31

1	Tianhai's Registered 2 Lace Design	Defendants' New Infringement 3 Activities	4 Tianhai's 5 Copyright 6 Registration
7	8	9	VA 2-001-929
10	11	12	VA 2-006-175
13	14	15	VA 1-967-086

	Tianhai's Registered Lace Design	Defendants' New Infringement Activities	Tianhai's Copyright Registration	
1				
2				
3				
4				VA 1-791-259
5				
6				
7				
8				
9				
10				VA 2-292-697
11				
12				
13				
14				
15				
16				VA 1-886-767
17				
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21				
22				VA 1-967-083
23				
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26				
27				
28				

1 2 3	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	
	Tianhai's Registered Lace Design		Defendants' New Infringement Activities	Tianhai's Copyright Registration
		 		VA 1-971-360
			 	VA 1-817-862
				VA 1-719-661
				VA 1-977-161

1 2 3	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28
	Tianhai's Registered Lace Design	Defendants' New Infringement Activities	Tianhai's Copyright Registration
		 	VA 2-080-794
	 <small>Arabic: MT20244 Date: 2020-04-01 Title: TIANHAI LACE Color No.: P20000101 Designer: TM Country: CHINA Category: LINGERIE Size: S,M,L,XL Tel: 86-10-62823000 Fax: 86-10-62813302</small>	  	VA 1-977-358
	 <small>Arabic: MT20244 Date: 2020-04-01 Title: TIANHAI LACE Color No.: P20000101 Designer: TM Country: CHINA Category: LINGERIE Size: S,M,L,XL Tel: 86-10-62823000 Fax: 86-10-62813302</small>	 	VA2-304-119

1 2 3 4	Tianhai's Registered Lace Design	Defendants' New Infringement Activities	Tianhai's Copyright Registration
5 6 7 8 9			VA 1-746-489
10 11 12 13 14 15			VA 1-974-881
16 17 18 19 20 21			VA 1-962-508
22 23 24 25 26 27 28			VA 2-039-301

Tianhai's Lace Design	Registered Activities	Defendants' New Infringement Activities	Tianhai's Copyright Registration
		 	VA 1-921-664

True and accurate photos of the pirated products received are attached as **Exhibit L.**

41. As shown above, between February 2022 and August 2022, Tianhai's investigators placed multiple orders for fifty-two (52) products from www.shein.com and from Defendants' SHEIN-branded mobile applications (collectively, the "New Infringement Activities"). Each of these products consisted of or featured exact or nearly identical copies of Tianhai's lace designs. None of the laces were genuine Tianhai products.

42. Tianhai's test purchases from www.shein.com and the SHEIN-branded mobile applications of clothing products that contained the infringing lace designs were shipped from Defendant FMMG's business address and/or labeled with Defendant Roadget as the shipper.

43. Previously on June 29, 2021, Tianhai filed Case No. 2:21-cv-05295 with this Court against Defendants Zoetop and SHEIN for Defendants' unauthorized use of nineteen (19) Tianhai copyrighted lace designs on twenty-six (26) products.

44. Following settlement, on October 11, 2021, the Parties stipulated to dismiss Case No. 2:21-cv-05295 pursuant to F. R. Civ. P. 41(a)(1)(A)(ii).

1 45. In February 2022, less than half a year after the dismissal, Tianhai
 2 discovered new products offered for sale or sold by Defendants through their
 3 website at www.shein.com and mobile applications that infringed Tianhai's
 4 copyrights.

5 46. Tianhai immediately notified Defendants in writing, demanding that
 6 Defendants immediately cease its New Infringement Activities. A true and accurate
 7 copy of the email notice and its English translation is attached as **Exhibit M**.

8 47. Notably, all of Defendants' New Infringement Activities relate to *new*
 9 products that infringed Tianhai's *other* lace designs *not* identified in Case No. 2:21-
 10 cv-05295.

11 48. Despite Tianhai's multiple attempts to resolve the matter over a period
 12 of multiple months, Defendants never responded.

13 49. From February to August 2022, Tianhai continued to discover that
 14 Defendants were continuing their New Infringement Activities.

15 50. Defendants continued selling clothes bearing unauthorized copies of
 16 Tianhai's laces that were identified above in this complaint.

17 51. Tianhai's investigations of these products sold by Defendants again
 18 established that none of the laces used by Defendants are genuine Tianhai laces.

19 52. As of today, Defendants have not taken any action to resolve or address
 20 the New Infringement Activities with Tianhai, or to respond to Tianhai in any way.

21 53. Defendants' infringement has at all times been knowing, intentional
 22 and willful.

23 54. Defendants have attempted to hide their continuing piracy of Tianhai's
 24 lace designs by constantly changing URLs on which their infringing products are
 25 sold, by using different street addresses, and by incorporating different entities
 26 (including the new entity Roadget that is incorporated in Singapore but operating in
 27 China as shown on its product shipping labels). In short, Defendants have been
 28 using a recurring "whack-a-mole" game strategy to avoid Tianhai's enforcement

efforts.

55. Upon information and belief, all of the Defendants are part of the same ongoing piracy scheme as evidenced by the fact that they share employees, agents, officers and other representatives who actively participate in or exercise control over the New Infringement Activities..

INJURY TO TIANHAI

56. Defendants' willful and pervasive infringement of Tianhai's lace designs, protected by the U.S. Registered Copyrights, has caused Tianhai to lose sales because Defendants did not purchase genuine Tianhai lace for use in their products.

57. Defendants' willful and pervasive infringement of Tianhai's lace designs, protected by the U.S. Registered Copyrights, has caused Tianhai to lose licensing income because Defendants are not authorized licensees, and paid no royalties or licensing fees for the right to reproduce Tianhai's copyrighted designs.

58. Defendants' infringement of Tianhai's lace designs has damaged and irreparably injured Tianhai and, if permitted to continue, will further damage and irreparably injure Tianhai.

FIRST CLAIM FOR RELIEF

Copyright Infringement Under the Copyright Act

17 U.S.C. § 101 et seq.

59. Tianhai hereby re-alleges and incorporates by reference each of the foregoing paragraphs and other allegations set forth elsewhere in this Complaint as though fully set forth in this cause of action.

60. At all relevant times, Tianhai has been the holder of the exclusive rights in its lace designs, which are subject to copyright protection in the United States, as evidenced by the U.S. Copyright Registrations.

61. At all relevant times, Defendants had access to Tianhai's lace designs.

62. Defendants, without authorization, reproduced, distributed, displayed,

1 created derivative works of, and otherwise infringed Tianhai's lace designs as
2 described herein in willful violation of Tianhai's rights under the Copyright Act.

3 63. At all relevant times, Tianhai's actions have been willful and
4 undertaken with full knowledge of, and/or reckless disregard for, Tianhai's rights.

5 64. Tianhai has suffered actual monetary damages and incurred significant
6 costs as a direct and proximate result of Defendants' direct and willful infringement
7 of Tianhai's copyrights.

SECOND CLAIM FOR RELIEF

Unfair Competition Under

Cal. Bus. & Prof. Code §§ 17200 et seq.

11 65. Tianhai hereby re-alleges and incorporates by reference each of the
12 foregoing paragraphs and other allegations set forth elsewhere in this Complaint as
13 though fully set forth in this cause of action.

14 66. Tianhai brings this cause of action pursuant to the “unlawful” prong,
15 the “unfair” prong, and the “fraudulent business acts and practices” prong of Cal.
16 Bus. & Prof. Code §§ 17200 *et seq.*

17 67. Defendants have engaged in unlawful, unfair, and fraudulent business
18 acts or practices.

19 68. Defendants have disseminated unfair, deceptive, untrue, and misleading
20 advertising featuring photos of Tianhai's copyrighted laces as if the laces sold by
21 Defendants were made, licensed, endorsed or somehow authorized by Tianhai.

22 69. Defendants have engaged in unlawful, unfair, and fraudulent business
23 acts or practices by making pirated laces developed and sold by Tianhai while
24 removing all references to Tianhai, and by infringing Tianhai's copyrights through
25 the sales and advertising of Defendants' products.

26 70. Tianhai's lace designs are only in the rightful possession of Tianhai and
27 its customers.

28 71. Defendants pirated Tianhai's laces by making fake laces using the

1 identical lace designs registered by Tianhai with the U.S. Copyright Office and the
 2 National Institute of Industrial Property of France.

3 72. Defendants knew, or should have known, the differences between the
 4 genuine laces developed and sold by Tianhai and Defendants' pirated laces, but
 5 made no effort to distinguish between them when uploading images of the New
 6 Infringement Activities to their websites, mass email advertisements, paid
 7 advertisements, social media accounts, accounts on e-commerce websites, and on
 8 mobile applications, before they disseminated such New Infringement Activities to
 9 the public.

10 73. Defendants knew, or should have known, the differences between the
 11 genuine laces developed and sold by Tianhai and Defendants' pirated laces, but
 12 made no effort to distinguish between them before using the pirated laces as
 13 decorations on their apparel and accessory products for sales to the public.

14 74. Tianhai has suffered actual harm and incurred significant costs as a
 15 direct and proximate result of Defendants' piracy and infringement.

16 75. The public was deceived into purchasing Defendants' products,
 17 mistakenly believing that they had purchased genuine lace, when in fact the lace
 18 design, and the New Infringement Activities used in sales, were pirated. As a result,
 19 Tianhai lost customers to Defendants.

20 76. Such deception substantially contributes to and encourages activities
 21 that directly harm, or are likely to harm, Tianhai and/or the public.

PRAYER FOR RELIEF

23 WHEREFORE, Tianhai requests that this Court enter judgment in its favor on
 24 each and every claim for relief set forth above and award it relief including, but not
 25 limited to, the following:

26 A. A judgment declaring that Defendants' unauthorized reproduction,
 27 distribution, display, or creation of derivative works of Tianhai's lace
 28 designs constitutes copyright infringement, as detailed above;

- 1 B. An award of statutory damages to Tianhai under 17 U.S.C. § 504(c) for
2 willful copyright infringement or, at Tianhai's election, under 17 U.S.C.
3 § 504(b), an award of actual damages to Tianhai, Defendants' profits
4 from infringement, and prejudgment and post-judgment interest, in an
5 amount to be determined at trial;
- 6 C. An award to Tianhai of attorneys' fees and costs under 17 U.S.C. § 505;
- 7 D. An injunction enjoining Defendants and their subsidiaries, affiliates,
8 related companies, their officers, agents, employees, and all persons
9 acting in concert with them from any and all sale, reproduction,
10 distribution, display, or creation of derivative works substantially similar
11 to any Tianhai lace design;
- 12 E. Pursuant to 17 U.S.C. § 503, an order for the impoundment and
13 destruction of all infringing products and materials, including but not
14 limited to accessories, laces, fabrics, textile products, labels, signs, prints,
15 packages, wrappers, receptacles, advertisements, and other material in
16 their possession, custody, or control bearing any design or pattern
17 identical or substantially similar to Tianhai's copyright lace designs;
- 18 F. A judgment that an asset freeze or constructive trust be imposed over all
19 monies and profits in Defendants' possession, custody or control that
20 rightfully belong to Tianhai;
- 21 G. A judgment directing Defendants to, within thirty (30) days after the entry
22 of the injunction, file with this Court and serve on Tianhai's attorneys a
23 report in writing and under oath setting forth in detail the manner and
24 form in which Defendants have complied with the injunction; and
- 25 H. Any further relief, as permitted by law and as the Court may deem just
26 and appropriate.
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- 28

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2 DATED: August 26, 2022

KENDALL BRILL & KELLY LLP

3
4 By: /s/ Alan Jay Weil
5 Alan Jay Weil

6 FINNEGAN, HENDERSON, FARABOW,
7 GARRETT & DUNNER, LLP
8 Morgan E. Smith (SBN 293503)
B. Brett Heavner (*pro hac vice*)
Yinfei Wu (*pro hac vice*)

9
10 *Attorneys for Tianhai Lace Co., Ltd.,*
11 *Tianhai Lace (Guangdong) Ltd., and*
Tianhai Lace USA Inc.

DEMAND FOR JURY TRIAL

Plaintiffs, Tianhai Lace Co., Ltd., Tianhai Lace (Guangdong) Ltd., and
Tianhai Lace USA Inc. hereby demand a trial by jury of all issues so triable.

DATED: August 26, 2022

KENDALL BRILL & KELLY LLP

By: /s/ Alan Jay Weil
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Tianhai Lace USA Inc.*